



## ADMINISTRATIVE REPORT

Report Date: March 3, 2015  
Contact: Sarah Hicks  
Contact No.: 604.873.7546  
RTS No.: 10859  
VanRIMS No.: 08-2000-20  
Meeting Date: March 25, 2015

TO: Standing Committee on Planning, Transportation and Environment

FROM: Deputy Chief Licence Inspector

SUBJECT: 2204 York Avenue - Sunset Grill Ltd.  
Increase in Capacity (Liquor Establishment Class 2 - Pub) and New Liquor  
Primary Outdoor Patio

### **RECOMMENDATION**

THAT Council, having considered the opinion of local area residents and business operators as determined by neighbourhood notification, site sign, noise impacts and relevant Council policy as outlined in this Administrative Report, endorse the request by Sunset Grill Ltd. (Sunset Grill) for an increase in capacity for the Liquor Primary Liquor Licence (#300824) from 39 persons to 100 persons (Liquor Establishment Class 2 - Neighbourhood Pub) and for a new 20 persons outdoor patio located at 2204 York Avenue subject to:

- i. A maximum interior capacity of 100 persons and a 20 person patio;
- ii. An amendment to the existing Time-limited Development Permit;
- iii. An acoustic report to be submitted certifying that the establishment meets Noise Control By-law requirements;
- iv. The patio ceasing all liquor service and vacated by 11 pm nightly;
- v. No entertainment or music permitted on patio;
- vi. A Licence Agreement with an initial one-year term for the patio;
- vii. Food service to be provided while the patio is open;
- viii. Signing a Good Neighbour Agreement with the City prior to business licence issuance; and
- ix. The surrendering of the existing Food Primary liquor licence #026799 and the Restaurant Class 1 business licence #15-146014 at the time of issuance of the amended Liquor Primary liquor licence #300824.

### **REPORT SUMMARY**

The applicant, Sunset Grill Ltd., is requesting a Council resolution endorsing their application for an increase in capacity to their existing Liquor Primary liquor licence from 39 persons to 100 persons (Liquor Establishment Class 2 - Neighbourhood Pub) and for a new 20 person Liquor Primary outdoor patio with no change to the hours of operation at Sunset Grill located at 2204 York Avenue via the conversion of the existing 69 person and 20 person outdoor patio Food Primary liquor licence. The outdoor patio will be approved under 1 year term and will require review and approval at time of permit renewal to ensure community fit and

monitoring of complaints. The establishment currently operates as a Restaurant and Neighbourhood Pub and has been at this location since 1989.

Staff are recommending approval of this application noting it aligns with Council Policy.

### ***COUNCIL AUTHORITY/PREVIOUS DECISIONS***

*City role in liquor licence applications* - The Liquor Control and Licensing Branch of the Provincial Government has senior authority in approving liquor licence applications. Their regulations require local governments to provide a Council resolution on any liquor primary licence application unless the local government decides to opt out of the application review process. Council policy has been to provide comments on these applications.

*Approval process/requirements* - Council policy requires new Liquor Primary licences to be subject to a Time-Limited Development Permit, Good Neighbour Agreement, and public consultation.

*Hours of service* - policy for this Non-Downtown Primarily Residential Use area are:

Standard hours of liquor service:

- 11 am to 12 am, Sunday to Thursday;
- 11 am to 1 am, Friday and Saturday

Extended hours of liquor service:

- 9 am to 1 am, Sunday to Thursday;
- 9 am to 2 am, Friday and Saturday

*Size and location of new establishments* (Council July 14, 2005) - Council Policy states that no Class 2 venue shall be located within 500 metres of another Class 2 venue.

*Sidewalk patios adjacent to liquor establishments* - On April 17, 2007, Council approved policy and guidelines that allow Liquor Primary establishments to have sidewalk patios on both public and private property subject to:

- Food service being available to the patio;
- A food preparation area large enough to safely handle the capacity increase;
- Closing time of no later than 11 pm;
- Outdoor seating limited to 20% of total seating capacity; and
- Public consultation.

Outdoor patios on city property adjacent to Liquor Primary establishments require amendments to existing Liquor Primary licences and are subject to a Licence Agreement with Engineering Services with an initial one-year term for the patio, Good Neighbour Agreement, and public consultation.

### ***CITY MANAGER'S/GENERAL MANAGER'S COMMENTS***

The General Manager of Community Services recommends approval of the foregoing.

**REPORT**

**Background/Context**

The applicant is requesting a Council resolution endorsing Sunset Grill's application for an increase in capacity to their existing Liquor Primary liquor licence from 39 persons to 100 persons (Liquor Establishment Class 2 - Neighbourhood Pub) and for a 20 person Liquor Primary outdoor patio located at 2204 York Avenue via the conversion of the existing Food Primary liquor licence. The conversion from Food Primary to Liquor Primary will result in a decrease in the total interior capacity from 108 to 100 persons. The number of patio seats will remain unchanged. The current Food Primary licence will be terminated if the liquor licence is approved. See the table below for the proposed changes:

Licence Category	Current		Proposed		Recommended	
	Capacity	Hours	Capacity	Hours	Capacity	Hours
<b>Food Primary (#026799)</b>	54 + 15 lounge seats Total = 69	9am to 1am Sunday to Thursday  9am to 2am Friday and Saturday	N/A	N/A	N/A	N/A
<b>Liquor Primary (#300824)</b>	39	9am to 1am Sunday to Thursday  9am to 2am Friday and Saturday	100	9am to 1am Sunday to Thursday  9am to 2am Friday and Saturday	100	9am to 1am Sunday to Thursday  9am to 2am Friday and Saturday
<b>Outdoor Patio</b>	20 (FP seats)	11am to 11pm 7 days a week	20 (LP seats)	11am - 11pm 7 days a week	20 (LP seats)	11am to 11pm 7 days a week
<b>TOTAL</b>	<b>108 (interior) 20 (exterior)</b>		<b>100 (interior) 20 (exterior)</b>		<b>100 (interior) 20 (exterior)</b>	

The applicant has owned and managed the establishment as a restaurant since 1989. The Neighbourhood Pub portion of the establishment opened in 2004 with a 39 person capacity. The applicant currently has and will continue to have the Family Foodservice term and condition endorsement on their Liquor Primary licence which allows minors into the establishment accompanied by parent/guardian until 10 pm when meal service is available. Food service is still expected to be a component of the business which will provide a mitigating factor to the liquor service and consumption.

### ***Strategic Analysis***

Staff support the proposed application based on the following analysis.

### ***Results of the Neighbourhood Notification***

A neighbourhood notification was conducted by circulating approximately 946 notices in the survey area (refer to Appendix A). A site sign was erected advising the community of the application and where to send concerns or comments. Staff allowed three weeks for the community to respond with concerns or support for the application. A total of twenty three responses were received in response to the application.

The results of the notification are summarized as follows:

	Within 700' radius of subject site	Outside 700' radius of subject site	No contact information	Total
Support	7	1	2	10
Opposed	8	1	2	11

In addition, two phone calls were received from owners representing the tenants of two rental properties located within the notification area opposing the application.

Twenty four form letters and a petition with 73 signatures in support of the application were also received.

Respondents opposing the application are most concerned with nuisance issues for the community including; noise, drunkenness and disturbances with patrons leaving the establishment, increased area traffic and lack of parking for the area, and the close proximity to residential buildings. As well, respondents generally felt that there are currently sufficient liquor establishments in the area.

### ***Location of Establishment***

The subject site is located in the C-2B (Commercial District) Zoning District and for the purposes of liquor policy, it is considered to be located in the Non-Downtown Primarily Residential Use area. The surrounding area is a mixture of residential, retail, restaurants, and other commercial uses (refer to Appendix A).

### ***Proximity to other social or recreational facilities and to other Liquor Primary Establishments***

There are no social or recreational facilities in the immediate area that would create a potential conflict with the proposed application.

Within a 213 metre radius of the subject site, there are approximately 11 longstanding licensed restaurants that hold a Food Primary liquor licence within the survey area. As there are no other Liquor Establishment venues of the same class within a 500 metre radius of the proposed site, this application meets Council Policy for distancing requirements.

### ***Person Capacity and Hours of Operation***

The Vancouver Fire Department has reviewed the application and approved an interior occupant load of 100 persons and 20 persons on the outdoor patio (see Appendix B).

The applicant is requesting no change to the current hours of operation (9 am to 1 am, Sunday to Thursday and 9 am to 2 am, Friday and Saturday) which fall under the allowable hours of liquor service for Extended Hours for this Non-Downtown Primarily Residential area. The 20 person outdoor patio will operate until 11 pm nightly which is also not a change to the current operation. No entertainment or music will be permitted on the patio and food and beverage service on the patio will be provided.

### ***Noise***

The applicant will be required to submit and adhere to an acoustic report which stipulates the sound levels permitted inside the establishment in order to comply with the Noise Control Bylaw. This should mitigate potential negative community impacts due to noise.

### ***Impact on the Community***

There has been no enforcement history with this establishment.

The Time-Limited Development Permit will provide ongoing reviews to ensure the land use/business remains compatible with the surrounding community. In addition, the Good Neighbour Agreement will set out the City expectations that the business needs to be responsive in dealing with any issues and responsible for creating a positive relationship with the community.

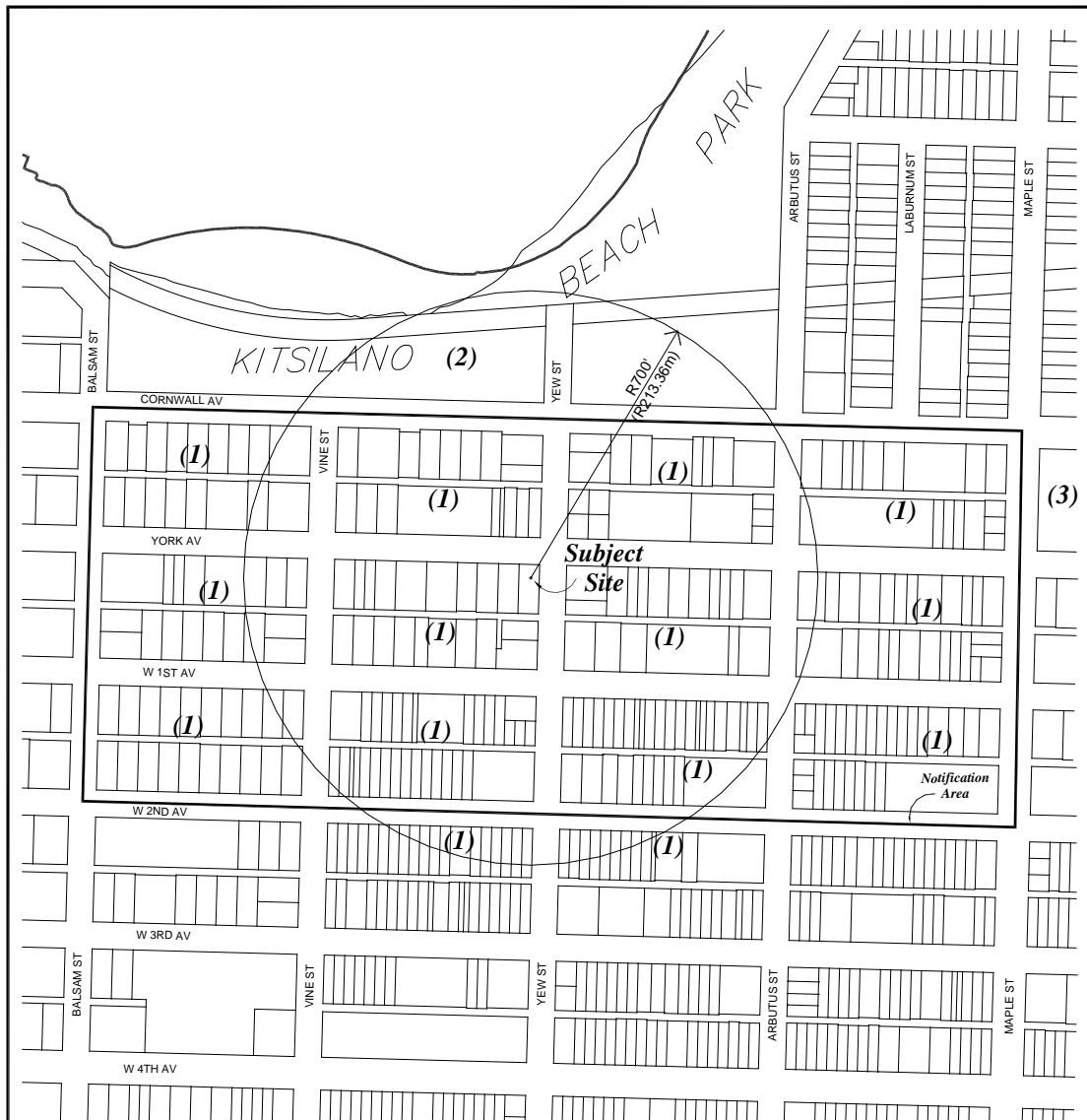
The Police Department has reviewed the application and have no concerns with this application.

### ***Financial***

There are no financial implications.

### ***CONCLUSION***

Staff are recommending Council endorse the applicant's request for a 100 person Liquor Primary liquor licence with a 20 person patio via the conversion of the existing Food Primary liquor licence subject to the conditions outlined in the Recommendation. The application will result in a total decrease in the overall interior capacity from 108 to 100 persons and there will be no change with the hours of operation. As well, the application meets current Council policy regarding size and distance from other establishments. The requirement for a Development Permit and Good Neighbour Agreement will ensure the premise operates in a manner conducive to the surrounding area. Food service will also remain a component of the business which will provide a mitigating factor to the liquor service and consumption.



**LEGEND**

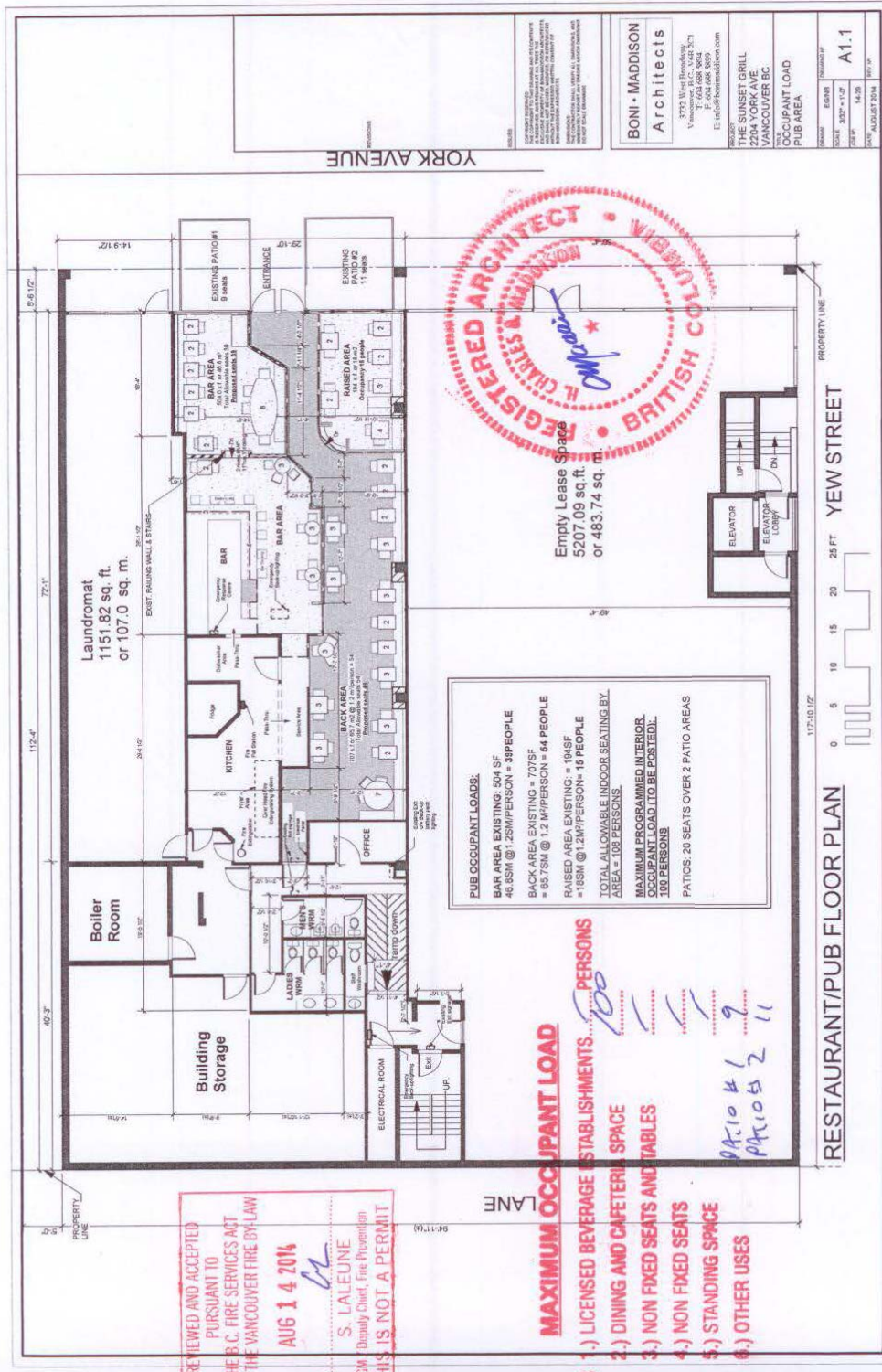
- (1) Residential Buildings (Strata buildings, rental apartments)
- (2) Parks - {Kitsilano Beach Park}
- (3) School - {Henry Hudson Elementary}
- (4) Liquor Primary - {N/A}
- (5) Government or Private Liquor Stores {N/A}
- (6) Medical Clinic {N/A}
- (7) Social/Private Clubs - {N/A}
- (8) Churches - {N/A}



LIQUOR PRIMARY (LIQUOR ESTABLISHMENT CLASS 2 - Neighbourhood Pub)  
2204 York Avenue – Sunset Grill

map: 1 of 1





REVIEWED AND ACCEPTED  
PURSUANT TO  
THE B.C. FIRE SERVICES ACT  
AND THE VANCOUVER FIRE BYLAW  
**AUG 14 2014**  
Per: *[Signature]*  
S. LALEUNE  
AGM Deputy Chief, Fire Prevention  
THIS IS NOT A PERMIT

**PUB OCCUPANT LOADS:**  
BAR AREA EXISTING: 504 SF  
46 SSM @ 1.25M/PERSON = 38PEOPLE  
BACK AREA EXISTING = 7075'²  
= 67'5M @ 1.2 M/PERSON = 64 PEOPLE  
RAISED AREA EXISTING = 1845F  
= 185M @ 1.2M/PERSON = 16 PEOPLE  
TOTAL ALLOWABLE INDOOR SEATING BY  
AREA = 100 PERSONS  
MAXIMUM PROGRAMMED INTERIOR  
OCCUPANT LOAD TO BE POSTED:  
100 PERSONS  
PATIOS: 20 SEATS OVER 2 PATIO AREAS

**MAXIMUM OCCUPANT LOAD**  
FOR  
1.) LICENSED BEVERAGE ESTABLISHMENTS..... 100 PERSONS  
2.) DINING AND CAFETERIA SPACE  
3.) NON FIXED SEATS AND TABLES  
4.) NON FIXED SEATS  
5.) STANDING SPACE  
6.) OTHER USES  
PATIO 4 1 9  
PATIO 5 2 11

**BONI-MADDISON Architects**  
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PROJECT NO: 20130201  
THE SUNSET GRILL  
2204 YORK AVE.  
VANCOUVER BC  
OCCUPANT LOAD  
PUB AREA



Empty Lease Space  
5207.09 sq. ft.  
or 483.74 sq. m.

RESTAURANT/PUB FLOOR PLAN

DATE: 8/27/14  
SCALE: 3/32" = 1'-0"  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DATE: AUGUST 2014